

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11909 of 2020**

Arising Out of PS. Case No.-509 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Suchan Yadav S/o Nagendra Yadav Resident of Mohalla- Sakrulla Chak,  
Babarganj Mojahidpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation, Bhagalpur. Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Dr. Manoj Kumar, Adv.  
For the Opposite Party/s : Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      25-06-2020      Heard learned counsel for the petitioner and learned APP  
for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Nath Nagar P.S. Case No. 509 of 2019, registered under sections 409, 414 and 34 of the Indian Penal Code and section 7 of the E.C. Act.

As per allegation in the F.I.R., 309 bags of grain were sent to the dealer Rajesh Kumar Tanti but it transpired that some of the grains had been sold in the black market. A raid was conducted and it was found that in place of 309 bags, only 223 bags were available and 86 bags were found missing.

It is submitted by learned counsel for the petitioner that so



far as he is concerned, he only happens to be driver of truck bearing Registration no. BR19F-2364 and on the F.I.R. being registered, his statement was recorded and which also forms part of the F.I.R. It is further submitted that from the contents of the F.I.R. it could be evident that the bags of grain were received by the agent Rajesh Kumar Tanti. So far as the petitioner is concerned, referring to the receipt with respect to the truck being driven by him as contained at page 21 and which is part of F.I.R., it is submitted that the said receipt clearly shows that 86 bags sent by the Bihar State Food and Civil Supplies Company Ltd. has been received by Rajesh Kumar Tanti who has placed his signature on the said receipt. It is stated that the petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the submissions made on behalf of the petitioner, the receipt with respect to the grains being carried on truck no.BR19F-2364 issued under the signature of Rajesh Kumar Tanti and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is



directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Nath Nagar P.S. Case No. 509 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1<sup>st</sup> Bhagalpur, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

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